



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Dan Richards/Tax Map 245, Lot 72

June 16, 2010

**Applicant: Dan Richards
12 Kingswood Lane
Moultonborough, NH 03254**

Location: 12 Kingswood Lane, Moultonborough, NH (Tax Map 245, Lot 72)

On June 2, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Dan Richards (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B)(1) and (3) to allow for replacement of an existing deck and addition of stairs for egress to the existing single family dwelling in the Agricultural Residential (AR) Zoning District to be located with the required front and side setback.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 12 Kingswood Lane (Tax Map 245, Lot 72).
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented at the Public hearing by Emile Paquette of Paquette and Sons.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) The existing single family dwelling and deck are partially located within the existing 50-foot front setback and 20-foot side line setback.
- 6) The proposed deck and stairway will be attached to the structure and will be located partially within the front and side line setbacks, increasing the existing setback violation.
- 7) The proposed stairway will add an additional means of egress to the top floor of the existing 2-story structure, where an egress is not currently available from this second story.

- 8) No members of the public wished to speak on the application.
- 9) Granting the Variance will not be contrary to the public interest as the use of the lot for residential use is in accordance with the permitted uses in the Agricultural Residential (AR) Zoning District and the proposed change will remain consistent with the existing use.
- 10) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the deck and stairway are for residential, private use of this lot.
- 11) By granting the Variance, substantial justice is done.
- 12) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single-family homes of like construction and style, and the deck and stairway will not negatively affect the properties around it as the proposed use of the dwelling and deck are consistent with reasonable uses on similar lots.
- 13) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size and location, as well as the location of the pre-existing, non-conforming primary structure limit the reasonable use of the lot for location of such a deck and stairway.
- 14) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Heal, , Nolin, McCarthy, Roseberry), and none (0) opposed to continue the Public Hearing to June 16, 2010, and to direct the Town Planner to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the June 16, 2010 Regular Meeting.

The Public Hearing was continued to June 16, 2010. The Board of Adjustment closed the Public Hearing on June 16, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of four (4) in favor (Stephens, Hopkins, Nolin, Roseberry), none (0) opposed, to **GRANT** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____